## Morris James LLP

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September 11, 2020

## VIA CM/ECF

The Honorable Leonard P. Stark United States District Court for District of Delaware J. Caleb Boggs Federal Building 844 N. King Street, Unit 19 Wilmington, DE 19801-3555

RE: Cirba Inc. (d/b/a Densify), et al. v. VMware, Inc., C.A. No. 19-742-LPS

Dear Chief Judge Stark,

Pursuant to the Court's September 8, 2020 Oral Order (D.I. 827), the parties in the above-referenced matter write to identify outstanding discovery issues that the parties believe require resolution by the Court and for which VMware requests the scheduling of a discovery teleconference.

The following attorneys, including at least one Delaware Counsel and at least one Lead Counsel per party, participated in verbal meet-and-confers (by telephone) on July 17 and 20, August 17, 26, and 31, and September 10, 2020.

Delaware Counsel: Anne Shea Gaza and/or Robert M. Vrana and/or Beth A. Swadley

(on behalf of VMware)

Kenneth L. Dorsney and/or Cortlan S. Hitch (on behalf of Densify)

Lead Counsel: Lily Li and/or Benjamin R. Nelson (on behalf of VMware)

Wesley L. White (on behalf of Densify)

The parties identify the disputes requiring judicial attention below:

## VMware's issues:

- Whether Densify's core technical production is deficient and thus should be supplemented, in particular whether Densify has produced its non-public technical documents that explain how the accused products and features work;
- Whether the Court should order Densify to supplement its responses to VMware's Interrogatory Nos. 2, 3 and 6;

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- Whether the Court should order Densify to produce documents, including electronically stored information (ESI), responsive to VMware's Requests for Production Nos. 3, 6, 12, 13, 17, 19, 25, 48, 53-57, 62, 68, 69, 71, 86, 90, 107, and 119 that are created or dated more than six years before VMware filed its counterclaims; and
- Whether the Court should order Densify to run additional search strings proposed by VMware to locate responsive ESI requested by VMware.
- VMware requests a teleconference at the Court's earliest convenience.

## **Densify's issues**:

- Whether the Court should order VMware to supplement its responses to Densify's Interrogatories Nos. 1, 2, and 9 to identify the persons most knowledgeable about the requested subject matter;
- Whether the Court should order VMware to supplement its response to Densify's Interrogatory No. 9;
- Whether the Court should order VMware to search for and produce documents responsive to Densify's Request for Production No. 77;
- Whether the Court should order VMware to search for and produce documents responsive to Densify's Requests for Production Nos. 110-112;
- Whether the Court should order VMware to search for and produce documents responsive to Densify's Requests for Production Nos. 119-148.

Should Your Honor have any questions or concerns regarding the foregoing, counsel for both parties are available at the convenience of the Court.

Respectfully,

/s/ Kenneth L. Dorsney

Kenneth L. Dorsney (#3726)

cc: All counsel of record (via CM/ECF and electronic mail)